

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:23-CV-021-KDB-DCK**

KENTON C. CRABB,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
INTERNAL REVENUE SERVICE,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the parties’ “Certification And Report Of F.R.C.P. 26(f) Conference And Discovery Plan” (Document No. 12) filed May 5, 2023.

Plaintiff’s “Amended Complaint For Declaratory And Injunctive Relief” (Document No. 10) brings an action “under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records” that have allegedly been improperly and unlawfully withheld from Plaintiff by Defendant Internal Revenue Service (“IRS”). (Document No. 10). The Complaint notes that Plaintiff’s FOIA request was filed June 14, 2022. (Document No. 10, p. 3).

The parties seem to agree that FOIA actions such as this are typically resolved through summary judgment. (Document No. 12, p. 2). Moreover, at this time, the Government contends that no discovery is necessary, while Plaintiff suggests it is too soon to determine what discovery will be required. (Document No. 12, p. 1). The parties propose similar schedules for Defendant IRS to release information to Plaintiff. (Document No. 12, pp. 4-5). At the conclusion of that production, the parties agree to file a Joint Status Report that will address what, if any, proceedings/discovery will be necessary.

IT IS, THEREFORE, ORDERED that the parties shall abide by the following schedule:

- By **June 15, 2023**, the IRS will begin releasing responsive, non-exempt records on a rolling basis, and then monthly thereafter, until all responsive, non-exempt records are released.
- The IRS will file a Status Report on **July 15, 2023**, and every **thirty (30) days** thereafter, until all records are released. The Status Reports shall include an estimated completion date for the release of all records.
- **Sixty (60) days** after each rolling release, Plaintiff will note in writing any questions or concerns and provide them to the IRS.
- The IRS will notify Plaintiff's counsel when it has released all records.
- Within **forty-five (45) days** of notification that all records are released, the parties will meet and confer regarding further proceedings.
- Within **seven (7) days** after the meet and confer, but no later than **October 20, 2023**, the parties shall file a Joint Status Report proposing any necessary proceedings and/or case deadlines. In the alternative, the parties may file a Notice Of Settlement.

SO ORDERED.

Signed: May 11, 2023



David C. Keesler
United States Magistrate Judge
